

Serial No. 10/608,093

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Docket No. PA4954US

REMARKS

Claims 1-21 are all the claims presently pending in the application.

Claims 1-4, 7-9, 11 and 14-19 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Squilla et al. (US 6,919,920; hereinafter "Squilla"). Claims 5, 10, 20 and 21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Squilla in view of Hull et al. (US 5,806,005; hereinafter "Hull"). Claims 6, 12 and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Squilla in view of Coverdale et al. (US 6,373,842; hereinafter "Coverdale").

These rejections are respectfully traversed in the following discussion.

However, first, Applicants request that the finality of the present Office Action be withdrawn. Specifically, references Squilla and Hull cited in this Office Action are quite different from the references Noro and Taniguchi cited in the First Office Action. The Amendments presented in the October 23, 2008, Amendment were not for distinguishing over the references or for any statutory reason. Indeed, the amendments were solely for informalities and to place the claim into condition for local practice. Thus, the finality of the present Office Action is premature.

I. THE CLAIMED INVENTION

An exemplary embodiment of the claimed invention (as set forth in exemplary claim 1) is directed to an image management apparatus including a photography instruction information storage memory configured to store photography instruction information that indicates a subject to be photographed, a communication interface configured to send the photography instruction information to an imaging apparatus via a wireless communication network and for receiving information transmitted via the wireless communication network, an input unit configured to receive an input of image data obtained by the imaging apparatus according to the photography instruction information, and a storage memory configured to store the image data.

Several advantages of these exemplary aspects of the claimed invention are set forth on page 7, line 23 through page 10, line 7 of the originally-filed specification.

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II. THE PRIOR ART REFERENCES

The Examiner alleges that Squilla teaches the claimed invention of claims 1-4, 7-9, 11 and 14-19. The Examiner further alleges Squilla in view of Hull renders obvious the claimed invention of claims 5, 10, 20 and 21. The Examiner further alleges Squilla in view of Coverdale renders obvious the claimed invention of claims 6, 12 and 13. Applicants submit, however, that there are elements of the claimed invention which are neither taught nor suggested by the alleged references.

Claims 1 and 11 are not taught or suggested by Squilla.

The Examiner alleges the photography instruction information storage memory recited in claims 1 and 11 corresponds to the content database 12 of Squilla. The Examiner is incorrect.

That is, the information stored in the content database 12 is a variety of information regarding the features that qualifies as an image spot, and specifically information that would be of interest to a variety of viewers (e.g., see Squilla column 4, lines 2-5). This information is not photography instruction information that indicates a subject to be photographed, as recited in exemplary claims 1 and 11. The wireless transceiver 18 and the antenna 20, disclosed in Squilla, send a variety of information, as mentioned above, to the camera, but they do not send photography instruction information that indicates a subject to be photographed.

Furthermore, the Examiner has alleged the input unit recited in exemplary claim 1 and 11 corresponds to the wireless transceiver 18 and the antenna 20 disclosed in Squilla. The Examiner further alleges Squilla teaches that a photographed image data exchange takes place between the camera 24 and image spot 10 via wireless link 60. The Examiner is incorrect.

That is, a photographed image data exchange does not take place in Squilla. Squilla merely discloses a structure, such that when a photograph is taken within the communicating range of the image spot 10, the personality data in the personality file 52 in a camera 24 is sent to the image spot 10, and in exchange for the personality data, data that the user is interested in is sent to the camera 24 from the image spot 10 (e.g., see Squilla column 4, line 61 to column 5, line 11). Sending and receiving the image data do not take place in Squilla. Therefore, Squilla does not teach or suggest an input unit configured to receive image data obtained by the imaging apparatus or the exchange of the image data.

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Furthermore, the Examiner has alleged that the storage memory recited in claims 1 and 11 corresponds to the memory unit 16 disclosed in Squilla. The Examiner is incorrect.

That is, Squilla discloses that the image data photographed by the camera 24 is not sent to the image spot 10. The memory unit 16 disclosed in Squilla is contained in a PC 14, and Squilla does not teach or suggest storing the image data in the memory unit 16.

Moreover, Squilla does not teach or suggest the claimed invention of exemplary claim 8.

The Examiner alleges the receptor recited in claim 8 corresponds to the wireless transceiver 30 disclosed in Squilla. The Examiner further alleges Squilla discloses that the photographed image data exchange takes place between the camera 24 and image spot 10 via wireless network 60. The Examiner is incorrect.

That is, Squilla does not disclose or suggest a photographed image data exchange. Squilla merely discloses that, when a photograph is taken within the communicating range of the image spot 10, the personality data in the personality file 52 in the camera 24 is sent to image spot 10, and in exchange for the personality data, data that the user is interested in is sent to camera 24 from the image spot 10 (e.g., see Squilla column 4, line 61 to column 5, line 11). Squilla does not disclose or suggest sending and receiving image data. Therefore, Squilla does not teach or suggest a receptor configured to receive photography instruction information that indicates a subject to be photographed or the exchange of image data.

Furthermore, Squilla discloses the image data photographed by camera 24 is stored in the personality file 52. However, the image data is not photographed based on photography instruction information that indicates a subject to be photographed.

None of Hull and/or Coverdale makes up for the deficiencies of Squilla discussed above.

Claims 2-7, 9-10, and 12-21 are not taught or suggested for at least the reasons stated with regard to claims 1, 8 and 11.

Therefore, Applicants submit that there are elements of the claimed invention that are not taught or suggest by the alleged references. Therefore, the Examiner is respectfully requested to withdraw this rejection.

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III. FORMAL MATTERS AND CONCLUSION

Applicants note the references cited in the Final Office Action are substantially different from the references cited in the First Office Action. Therefore, Applicants request the Examiner reconsider the finality of this Office Action.

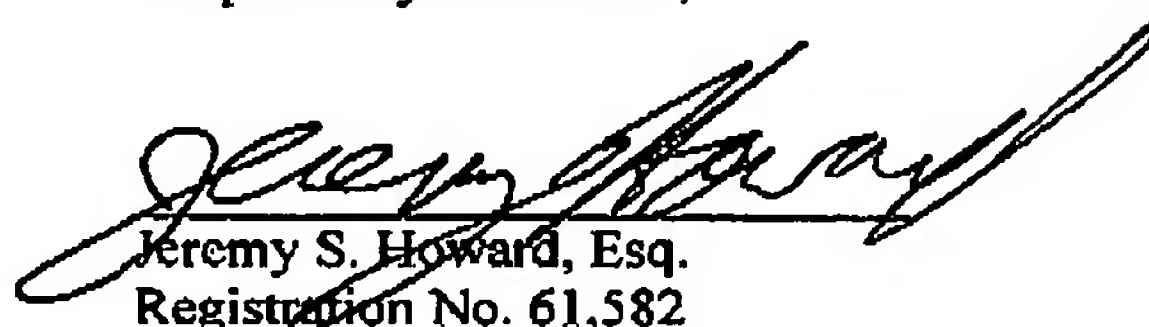
In view of the foregoing, Applicants submit that claims 1-21, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date:

May 4, 2009
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